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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/270,733	03/16/1999	DAVID MACDONALD DELANEY	10346RO	2879
626	7590	08/25/2004		
NORTEL NETWORKS LIMITED P. O. BOX 3511, STATION C OTTAWA, ON K1Y 4H7 CANADA			EXAMINER HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	13

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/270,733

Applicant(s)

DELANEY ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 18, 28, 31 and 35-40 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-17, 19-27, 29-30 32-34, 41-42, and 44-56 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments, filed June 10, 2004, have been fully considered and are persuasive. Therefore, the previous rejection(s) has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ross (US 5,394,402).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9-17, 19-27, 29-30 32-34, 41-42, and 44-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US 5,394,402) in view of Stone (US 6,041,057).

1. Regarding claims 1-5, 7, 9-15, 17, 19-25, 27, 29-30, 32-33, 41, 45-51 and 53-56, Ross discloses a method of routing packets in a connectionless network (Figure 3) having a distinct set of virtual ports (Figure 1, INT. PORT), where no virtual port belongs to more than one of the distinct sets (col. 3, lines 26-40; note: each port optionally has one VLAN designation). The method comprises assigning a respective egress address to each packet entering the network via an ingress virtual port (Figure 6, item 92; col. 7, lines 49-52 and 54-57) when a correspondence is known (col. 8, lines 3-18 and lines 48-55) and routing the modified packets across the network to at least one egress virtual port (Figure 3, items 18, 118, 218) without establishing a connection, where the routing is restricted to virtual ports belonging to the set of virtual pots including the ingress virtual port (col. 7, line 67 through col. 8, line 5). The egress address is removed from the modified packet (col. 8, lines 60-66). Although, Ross does not disclose that the egress address is a broadcast egress address when no correspondence between the destination

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address and the egress address is known. Stone discloses that an unknown destination address is mapped to a broadcast VLAN address (col. 7, lines 45-51; col. 6, lines 38-42). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to map an unknown destination address to a broadcast VLAN address in the invention of Ross in order to determine network VLAN connectivity. Further regarding claims 53-56, in Ross the address assigner is the ingress switch (Figure 1, item 10; col. 8, lines 48-53).

2. Regarding claims 6, 16, 26 and 52, in Ross, an ingress address is mapped and assigned to each packet entering the network (col. 5, lines 57-60; col. 6, lines 18-23) based on address association tables (Figure 2, item 60 and 66).

3. Regarding claim 34, in Ross, the switches or routing devices are provide IEEE 802.1 switching functionality (col. 5, lines 43-48 and 57-61).

4. Regarding claims 42 and 44, in Ross, the address identifier and address assigner is the ingress switch (Figure 1, item 10; col. 8, lines 48-53).

Allowable Subject Matter

5. Claims 8, 18, 28, 31 and 35-40 are allowed.

6. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139 (as of August 25, 2004, the number will be 571-272-3166). The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463 (as of August 25, 2004, the number will be 571-272-3174). The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see pair.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



August 23, 2004



DANG TON
PRIMARY EXAMINER